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January 8, 2008

VIA FACSIMILE
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MEMO ENCLOSED

Honorable Laura Taylor Swain
United States District Court
500 Pearl Street
New York, New York 10007

Re: Blue Creek Produce v. Big City Produce; 07 Civ 7849

Honorable Madam:

I am the attorney for plaintiff in the above-captioned matter.

You will be glad to know that the case has been settled in principal and appropriate documents are being prepared. Accordingly, we respectfully request that today's conference scheduled for 4:00 p.m. be postponed to allow the parties to execute settlement documents. The only appearing defendant joins in this request.

In the highly unlikely event that the settlement falls apart, I would appreciate your giving us a conference date on or about January 22, 2008 solely for control purposes.

Thank you very much for your attention to this matter.

*The conference is adjourned to a control
date of January 22, 2008, at 2:15 pm*
SO ORDERED.

Respectfully yours,

Bruce Levinson

BL/sp

cc.: Kate Ellis Esq. J. LAURA TAYLOR SWAIN
Indumati Kothari UNITED STATES DISTRICT JUDGE